

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. OSH 2006-16
)	
DIRECTOR, DEPARTMENT OF LABOR)	ORDER NO. 198
AND INDUSTRIAL RELATIONS,)	
)	PRETRIAL ORDER
Complainant,)	
)	
vs.)	
)	
HAWAIIAN STYLE RAINGUTTERS, INC.,)	
)	
Respondent.)	

PRETRIAL ORDER

Pursuant to the initial conference in this matter held by the Hawai'i Labor Relations Board ("Board") on August 8, 2006, and attended by J. Gerard Lam, Deputy Attorney General, for Complainant, and Athena Robello, Owner, for Respondent, IT IS HEREBY ORDERED THAT:

1. The issues to be determined at trial as to Citation 1, Item 1 - 29 CFR 1926.501(b)(13) are:
 - (a) Whether Respondent violated 29 CFR 1926.501(b)(13) as described in Citation 1, Item 1 issued on April 24, 2006, where Respondent asserts that the individuals involved were family members and not paid workers?
 - (b) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?
 - (c) Whether the \$750.00 penalty imposed by the Complainant is appropriate? If not, what is the appropriate penalty?
2. Discovery and other deadlines are:

Identification of unnamed and live
witnesses

September 28, 2006


Discovery cutoff

October 9, 2006

3. The Board will conduct a trial in this matter on November 8, 2006 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawai'i.
4. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, August 9, 2006.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


EMORY J. SPRINGER, Member


SARAH R. HIRAKAMI, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawai'i Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:

J. Gerard Lam, Deputy Attorney General
Athena Robello